

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
JUNE 19, 2012

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Alan D. Gardner at 4:00 p.m. on June 19, 2012, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Alan D. Gardner, Commissioner James J. Eardley, Commissioner Dennis Drake, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine Hall.

Commissioner Drake led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for June 6, 2012, through June 19, 2012
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Applications for Property Tax Abatement (6)
Robert & Margaret Mee, S/N SG-CRS-2-181; Margaret Manazer, S/N SG-PACT-1-153; Reta Corbett, S/N SG-VVH3-305; Betty Douglas, S/N SG-PTH-5-66; Robert Brewster, S/N W-LJH-2-9; and Dennis & Irene Scanlon, S/N L-SRE-12

Actions of the Washington County Planning Commission Meeting / 06-12-12

Zone Change: Request for a zone change from OST-20 (Open Space Transitional 20 acres) to RE-40.0 (Residential Estates 40,000 sq. ft.) zone, containing 9.971 acres, a portion of Section 1, T41S,R16W, SLBM, generally located southeast and adjacent to Diamond Valley Acres Subdivision, Monty Bundy, applicant.

After closing the public hearing, the commission acted on the zone change, which was properly advertised. This zone is the same as the other development in the area (RE-40.0 Residential Estates) and adjacent OSC-20 zone on the easterly side. The proposed use is to provide a permanent area for small farms, hobby farms, and limited agricultural development for personal use. The General Plan depicts this area as being transitional to a Residential Zone.

Facts & Findings:

1. The access road would be physically moved to the northern portion of the subdivision.
2. The General Plan depicts it as a transitional to a residential zone.
3. The property would be compatible with the adjacent zone.
4. There were no negative public comments during the public hearing.

The Planning Commission unanimously recommended approval for the zone change.

Final Plat Approval: Consider final plat approval for Bundy Subdivision - Phase 2, 4 lots, containing 9.971 acres, Section 1, T41S,R16W, SLBM, generally located southeast and adjacent to Diamond Valley Acres Subdivision, Monty Bundy, applicant.

There were no comments from the audience during the public hearing. In 2008, this corner between two existing phases in Diamond Valley was reviewed as a discussion item and last month approved for preliminary plat approval. The applicant has submitted a final subdivision plat for the commission's review and the redlined copy and staff recommendations on plat changes have been made. The platting includes a vicinity map, description, owner's dedication, certification blocks and all other requirements for final approval. Previously, "will serve" letters from utility companies have been submitted and the Questar letter was received after staff meeting review. A letter was submitted from the Diamond Valley Acres Water Company, stating that it will serve water to four (4) lots, with the water right being taken from parcels near and in an adjacent subdivision. There is a letter from the Southwest Utah Public Health Department stating feasibility for Orenco Advantex wastewater treatment units on these proposed lots, density review by the Washington County Water Conservancy District. There are existing fire hydrants within two hundred and fifty feet (250') of each parcel. The developer shows road improvements using County Standards and construction drawings have been reviewed by Public Works.

Facts and Findings:

1. Same findings from previous item: The access road would be physically moved to the northern portion of the subdivision.
2. The General Plan depicts it as a transitional to a residential zone.
3. The property would be compatible with the adjacent zone.
4. There were no negative public comments during the public hearing.
5. Verification on all "will serve" letters, with the addition from Questar.

The planning commission unanimously recommended final plat approval for the Bundy Subdivision – Phase 2, 4 lots, located southeast and adjacent to Diamond Valley Acres Subdivision.

Ordinance Amendment: Consider approval on amendment to the Washington County Subdivision Ordinance, Title 11, Chapter 4, 2:A. Description and Delineation: The final plat shall show; 11. The signature of the County Treasurer indicating at the time of signing that the property taxes, special assessments, and fees due and owing have been paid in full. County initiated.

The Deputy Attorney advised that the County Treasurer said there have been instances in Washington County where a land developer has failed to pay delinquent taxes on property and then subdivided the property and sold it, with the new owner being responsible to pay the delinquent taxes. Washington County has adopted procedures which require County Treasurer certification prior to final plat approval, although having a uniform requirement among Washington County and the municipalities within the County will prevent confusion on the part of the developers and promote that taxes be paid prior to final plat approval. Requiring the County Treasurer signature block on the final plat will make it clear that no delinquent taxes are owed on the property. Utah Code Annotated §§10-9a-603(3) and 17-27a-603(3) authorize municipalities and counties to withhold the approval of a final plat until a tax clearance is provided. Commissioner Denny Drake and the deputy attorney have worked closely on this change to the ordinance. Commissioner Drake has spoken to the municipalities on this issue and they are in the process of changing their ordinances.

Facts and Findings:

1. The amendment will eliminate a potential problem for payment of property taxes.
2. The amendment to the ordinance was requested by the County Treasurer.
3. The amendment would ensure uniformity throughout the County.

The planning commission unanimously recommended approval of the Subdivision Ordinance Amendment, Title 11, Chapter 4, 2:A.11.

MOTION: Motion by Commissioner Eardley to Approve the Consent Agenda, with the Exception of the Third Item in the Actions of the Washington County Planning Commission Meeting, Ordinance Amendment, Which Shall be Moved to the First Item on the Regular Agenda. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

MOTION: Motion by Commissioner Drake to Amend the Order of the Regular Agenda, as follows: Reverse Items 4 and 5, and Further, To Table Item No. 7. Motion seconded by Commissioner Eardley and carried

by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

CONSIDERATION OF ORDINANCE NO. 2012-1021-O, AN ORDINANCE AMENDING AND SUPERSEDING WASHINGTON COUNTY CODE TITLE 11, CHAPTER 4, SECTION 2; REQUIRING THE SIGNATURE OF THE COUNTY TREASURER ON FINAL PLATS DEMONSTRATING THAT PROPERTY TAXES DUE AND OWING HAVE BEEN PAID

Deputy Washington County Attorney Eric Clarke said that the County Treasurer requested this ordinance amendment to ensure that, with his signature upon final plats, all taxes owing have been paid. The County has been doing this for some time along with all cities and municipalities throughout the County. It is expedient to have a uniform requirement to cover these situations.

MOTION: Motion by Commissioner Drake to Adopt Ordinance No. 2012-1021-O, An Ordinance Amending And Superseding Washington County Code Title 11, Chapter 4, Section 2; Requiring The Signature Of The County Treasurer On Final Plats Demonstrating That Property Taxes Due And Owing Have Been Paid. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

EMERGENCY SERVICES REPORT

Undersheriff Bart Bailey updated the Commission on recent Search and Rescue activity. There have been four (4) events in the past month, including a lost horseback rider, two (2) ledged-up hikers in Snow Canyon, a lost hiker in Pine Valley, and a lost biker in Gooseberry Mesa.

PRESENTATION: SOUTHWEST BEHAVIORAL HEALTH DEPARTMENT / MIKE DEAL

Mike Deal, Executive Director of the Southwest Behavioral Center, described the many programs of the Center and provided some useful insights on mental-health issues that concern many citizens. The Center was established by Interlocal Agreement approximately twenty-five (25) years ago to serve the community in the areas of substance abuse and mental health treatment, which are responsibilities of the County (by State mandate). There are physical offices and facilities in each of the five counties which serve primarily disabled and low-income individuals.

- Nationwide, one in five people are diagnosed with mental illness annually;
- Approximately twenty-two million (22,000,000) people nationally are in need of substance-abuse treatment;
- In Utah, one in seventeen people require substance-abuse assistance;
- The Center serves the five-county area (Washington, Garfield, Iron, Kane and Beaver);
- Early prevention and intervention are important in effective treatment;
- Medicaid makes up about seventy percent (70%) of the twelve million dollar (\$12,000,000) budget; currently, about twenty-two thousand (22,000) people per month come in for services with a Medicaid card. For every dollar of State money spent, two dollars of federal money are brought in;
- Counties are required by State code to match State Medicaid money at a rate of twenty (20) cents on the dollar. For Washington County, that amounts to roughly three hundred and thirty thousand dollars per year (\$330,000);
- The staff consists of mental health therapists, marriage and family counselors, psychiatrists, psychologists, and other professionals;
- Drug Court is a collaborative effort among County prosecutors, juvenile court, law-enforcement personnel, and the Center. It provides offenders with treatment as an alternative to putting people in jail; it has proven very effective as a way to reduce recidivism;
- The Crisis Intervention Team is an ongoing training of law-enforcement officers throughout the five-county area to enable them to better interact with the mentally disabled;
- Many therapists from the Center work in the school district with students.

PURCHASE REQUESTS / MARK BLANCH:

Emergency Services (3)	
Communications items	\$ 16,354.15
Communications items	109,366.03
Draeger Equipment.....	11,112.00
Habitat Conservation Plan, Tioga toilet building	30,298.39
Sheriff's Office, ballistic vests	17,821.28

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: **Motion by Commissioner Eardley to Approve the Purchase Requests.**
 Motion seconded by Commissioner Drake and carried by unanimous
 vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF ORDINANCE NO. 2012-1020-O, AN ORDINANCE AMENDING AND SUPERSEDING WASHINGTON COUNTY CODE TITLE 8, CHAPTER 1, SECTION 11; AMENDING TAX SALE PROVISIONS

Mr. Clarke explained that this Ordinance is necessary in order to establish a fair and equitable process for accepting or rejecting bids, sale ratification procedures, and payment methods arising out of the County's annual tax sale. The proposed procedure gives all parties with a recorded interest in the property an opportunity to claim the excess funds resulting from property sales and an opportunity to resolve conflicting claims prior to the matter being turned over to the Fifth District Court.

MOTION: Motion by Commissioner Drake to Adopt Ordinance No. 2012-1020-O, An Ordinance Amending And Superseding Washington County Code Title 8, Chapter 1, Section 11; Amending Tax Sale Provisions. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RATIFICATION OF 2012 PROPERTY TAX SALE / KIM HAFEN

Washington County Clerk-Auditor Kim Hafen presented the results of the 2012 Property Tax Sale (attached) for the ratification of the Commission.

MOTION: Motion by Commissioner Eardley to Ratify the 2012 Property Tax Sale, as Presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1646, A RESOLUTION APPROVING THE EXECUTION OF A LIMITED ACCESS AGREEMENT BETWEEN THE WASHINGTON COUNTY SOLID WASTE SPECIAL SERVICE DISTRICT, PACIFIC SAND, INC., GREGORY ANDERSON, AND WASHINGTON COUNTY IN ORDER TO PROVIDE AN EASEMENT ACROSS THE WASHINGTON COUNTY LANDFILL IN ORDER TO FACILITATE A GRAVEL PIT ON ADJACENT LAND

Attorney Fay Reber, representing the Solid Waste Special Service District, said that Pacific Sand, Inc., desires an ingress-egress easement across a section of the landfill property in order to transport rock and gravel that it plans to excavate from land adjacent to the landfill property. All liability risk will be assumed by Pacific Sand.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1646, A Resolution Approving the Execution of a Limited Access Agreement Between the Washington County Solid Waste Special Service District, Pacific Sand, Inc., Gregory Anderson, and Washington County in Order to Provide an Easement Across the Washington County Landfill in Order to Facilitate a Gravel Pit on Adjacent Land. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1647, A RESOLUTION APPROVING THE EXECUTION OF A CONTRACT AMENDMENT BETWEEN WASHINGTON COUNTY AND THE UTAH DEPARTMENT OF AGRICULTURE REGARDING FUNDS FOR PREDATOR CONTROL

This item was tabled by previous motion.

COMMISSIONERS' REPORT

No items were presented today.

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead advised the public that the Road Department is in the process of chip-sealing portions of Old Highway 91 during the next few days, and there will be delays as pilot cars escort vehicles along that road. People would be wise to avoid Old Highway 91 for as long as this process continues.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:55 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

ALAN D. GARDNER
CHAIRMAN